

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:14-cv-00066-MR-DLH**

MICHAEL STEVEN AUSTIN, )  
                            )  
Plaintiff,               )  
                            )  
vs.                        )                           **O R D E R**  
                            )  
REXON INDUSTRIAL CORP. and )  
POWER TOOLS SPECIALISTS, INC., )  
                            )  
Defendants.              )  
                            )

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**THIS MATTER** is before the Court on the parties' Objections to Videotaped Deposition Designations [Docs. 99, 102].

Upon review of the parties' designations and objections the Court determines that the evidence will be admitted as follows. Any objections that are sustained are for the reasons stated in the objection, unless otherwise stated herein.

**IT IS, THEREFORE, ORDERED** that the parties' objections are ruled upon as follows:

**Defendants' Objections**

**I.     April 21, 2009 Deposition of George Ku**

<u>Page/Line</u>	<u>Ruling</u>
55:9 to 55:21	Sustained
105:22-106:10	Sustained
144:5-145:5	Sustained

## **II. July 13, 2010 Deposition of Anthony Borgatti**

<u>Page/Line</u>	<u>Ruling</u>
58:24-60:7	Overruled subject to Plaintiff presenting adequate foundation regarding his removal of blade guard
66:8-66:17	Sustained
107:6-107:25	Sustained
108:13-109:3	Sustained
109:4-109:15	Overruled subject to Plaintiff presenting adequate foundation regarding his removal of blade guard
279:9-15	Sustained (from "excuse me"). Speculation.
279:25-280:7	Sustained
280:8-281:8	Overruled subject to showing that statement constitutes admission of party opponent
281:9-14	Sustained
281:15-282:24	Overruled subject to showing that statement constitutes admission of party opponent
283:14-285:6	Overruled, if authenticated

### **III. Deposition of Bob James**

<b><u>Page/Line</u></b>	<b><u>Ruling</u></b>
25:23-25:16	Overruled
40:10-40:14	Overruled
40:21-41:6	Overruled
42:16-42:22	Overruled
44:1-44:7	Overruled
45:1-45:24	Overruled
B:174:18-B:175:12	Sustained
B:182:25-B:184:9	Sustained
B:184:10-184:21	Overruled
57:2-57:11	Sustained
57:12-16	Overruled
76:18-76:21	Sustained
98:18-99:19	Sustained
100:24-103:20	Sustained
108:15-109:4	Sustained
112:24-116:17	Sustained
154:14-158:2	Sustained, except as to 155:24-156:6
160:1-161:10	Sustained

169:20-170:21	Overruled subject to authentication
170:22-171:9	Overruled subject to admission of document referencing insurance
174:6-174:17	Sustained
175:4-13	Overruled subject to admission of document referencing insurance
175:15-176:3	Sustained
176:4-14	Overruled
176:16-22	Sustained
198:25-201:13	Sustained. Speculation and 403.
B218:18-B:219:18	Sustained
B219:19-21	Overruled

### **Plaintiff's Objections**

#### **I. June 24, 2014 Deposition of Bob James**

<b><u>Page/Line</u></b>	<b><u>Ruling</u></b>
96:25-97:10	Sustained

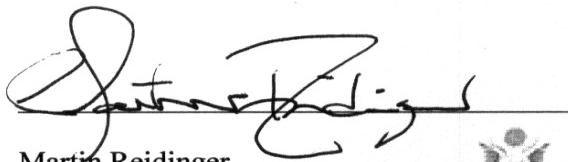
The parties shall edit the videotaped depositions of these witnesses accordingly.

As to any portions of the depositions allowed (objection overruled) herein that pertain to a document, such ruling is dependent upon the

admissibility and admission of the document. No copies of such document(s) were provided to the Court by the parties, so no ruling thereon is made in this order. If such document(s) are not admitted, then the portions of the depositions related thereto must be edited out or otherwise deleted.

**IT IS SO ORDERED.**

Signed: August 28, 2015



Martin Reidinger  
United States District Judge

